

### **REMARKS**

Claims 1-19 are pending in the application. Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco (U.S. 2005/0166224) in view of Klosterman et al. (U.S. 2001/0013124). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. (U.S. 6,601,237). Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. (U.S. 6,029,045). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. (U.S. 2002/0056093).

Applicants respectfully request reconsideration in light of the amendments herein and the remarks presented below.

### **Interview Summary**

Applicants wish to thank the Examiner for taking to time to meet in which Applicants discussed with the Examiner the cited references and suggest possible amendments to the claims to clarify the inventive subject matter. Applicants have amended independent claims 1, 16 and 19 as per those suggestions.

### **Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman**

Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. Applicants respectfully traverse the rejection.

Applicants have amended claims 1, 16 and 19 to further clarify the invention. Specifically, Applicants have clarified the structure of the advertisement template having a plurality of media slots in sequence and each of the media slots receiving one of a plurality of

media segments. Applicants have further amended the independent claims to recite using content selection information to switch between said plurality of data streams to retrieve and insert at least one of said media segments into each of said media slots and assembling at the receiving unit a customized broadcast transmission stream as the personalized advertisement.

Applicants respectfully submit that independent claims 1, 16 and 19 as amended are patentably distinct from the Ficco and Klosterman references, and any combination thereof, and are therefore in condition for allowance. Applicants further submit that dependent claims 2-15 and 17-18, by virtue of depending from allowable base claims, are also in condition for allowance.

**Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Ten Kate**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 6 cannot be obvious. Applicants respectfully submit that claim 6, by virtue of its dependence from an allowable base claim, is in condition for allowance.

**Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Picco**

Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. Applicants respectfully disagree. As explained above, because independent claims 1 and 16 are not obvious, dependent claims 7, 10, 11, and 17 cannot be obvious. Applicants respectfully submit that claims 7, 10, 11, and 17, by virtue of their dependence from allowable base claims, are in condition for allowance.

**Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Kunkel**

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 14 cannot be obvious. Applicants respectfully submit that claim 14, by virtue of its dependence from an allowable base claim, is in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance and respectfully request favorable action by the Examiner in the form of a Notice of Allowance.

If a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

Date: May 21, 2010  
Reg. No. 54,146

Tel. No.: (617) 951-9159  
Fax No.: (617) 261-3175

/George S. Haight IV  
George S. Haight, IV  
Atty/Agent for Applicant(s)  
K&L Gates LLP  
State Street Financial Center  
One Lincoln Street  
Boston, Massachusetts 02111-2950